Atty. Docket No. 4860.P2476   PATENT

BOARD OF PATENT APPEALS AND INTERFERENCES
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Glenn Reid	)	Examiner: Jin Cheng Wang
	)	
Application No. 09/680,107	)	Art Unit: 2672
	)	
Filed: 10/04/2000	)	**RECEIVED**
	)	DEC 0 4 2003
FOR: EDIT DISPLAY DURING	)	Technology Center 2600
RENDERING OPERATIONS	)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANT'S BRIEF TRANSMITTAL

Sir:

Enclosed for consideration before the Board of Patent Appeals and Interferences are (1)

Appellant's Brief Pursuant to C.F.R. §1.192(a), in triplicate; (2) Appendix to Appellant's Brief,

in triplicate; and (3) a check in the amount of $330.00 under 37 C.F.R. 1.17(c) to cover the filing

fee for the Appellant's Brief.

If any other fees are required to process this Brief, please charge Deposit Account No. 02-

2666. A duplicate of this sheet is provided for deposit account charging purposes.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Dated: November 24, 2003

Arlen M. Hartounian
Reg. No. 52,997

12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025-1026
(408) 720-8300

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DEC 0 4 2003

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APPEAL BRIEF
IN SUPPORT OF APPELLANT'S APPEAL
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Sir:

Appellant hereby submits this Appeal Brief in triplicate in support of its appeal

from a final decision of the Examiner, mailed June 26, 2003, in the above-captioned case.

The Appellant respectfully requests consideration of this appeal by the Board of Patent

Appeals and Interferences for allowance of the above-captioned patent application.

TABLE OF CONTENTS

I. REAL PARTY IN INTEREST

The real party in interest is Apple Computer, Inc., a corporation of California, located at 1 Infinite Loop, Cupertino, California, 95014.

II. RELATED APPEALS AND INTERFERENCES

There are no known appeals or interferences which are related to the present application.

III. STATUS OF THE CLAIMS

Claims 1-26 are pending and currently stand rejected by the Examiner under the final rejection mailed June 26, 2003.

Claims 1-26 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,501,476 issued to Gould, et al. (hereinafter Gould).

IV. STATUS OF AMENDMENTS

No amendments have been made after the Final Office Action. All amendments to the claims were made after the first Office Action.

V. SUMMARY OF INVENTION

The present invention relates to a method for manipulating a time based stream. Time-based information can be assembled into a presentation through the use of a processing system to edit the information. For example, a video may be edited and combined with audio, text, effects and/or graphics to create a presentation. A presentation is any changed version of an original time-based stream of information or a

modified copy of the original information. In addition, a presentation also may be defined by at least one instruction for representing the information in a changed form.

A presentation may be edited to modify its output. Specifically, edit features, such as transitions between clips, special effects, text, graphics, and etc. may be added to the presentation. One problem with some prior systems is that they are unable to display a view of the edited time based stream of information during the editing process.

In one embodiment of the present invention, a method for manipulating a time based stream of information in a processing system and for generating a presentation is provided. A user may input edit commands to modify the information in forming the presentation having one or a series of references. In response, the presentation is modified, such as an edit feature added, to create a revised presentation. During this rendering of modifications, a proxy of the revised presentation is also generated. The proxy is a simulation of the modifications that indicate how the modified presentation will appear once rendered. The proxy may be also displayed as the rendering takes place (See claim 1, page 16, lines 4-28 and Fig. 4).

At times, the proxy is created by drawing an imitation of the edit feature to a proxy unit (See Claim 3, page 16, lines 16-28). For example, where the edit feature is text and the imitation may simulate the character, size and/or font of the edit feature being rendered by the system. The system may include a first software component that has instructions for adding the edit feature and the first software component is separate from a second software component that has instructions for creating the proxy (See Claim 5, page 5, lines 21-24).

VI. ISSUES

The issue presented in this appeal is whether claims 1-26 are unpatentable under 35 U.S.C. § 102 (e) as being anticipated by Gould. Some of the more specific issues presented in this appeal are whether Gould teaches a creating a proxy and displaying a proxy during the adding of an edit feature.

VII. GROUPING OF CLAIMS

For the purpose of this appeal, the claims are grouped as follows:

Group I; claims 1-2, 7-9, 14-16, 20, 22 and 26;

Group II; claims 3-4, 10-11, 17-20, 23-24;

Group III; claims 5-6, 12-13, and 25.

VIII. ARGUMENT

The Appellant will set forth in this section the arguments presented in this appeal of the rejected claims. The rejections set forth in the final action of June 26, 2003 should be withdrawn since Gould does not include all of the claimed elements of the claims.

A.   OVERVIEW OF THE PRIOR ART

1.   OVERVIEW OF GOULD

Gould describes a video processing apparatus including rendering means to render an output video sequence according to a priority order (Col. 1, lines 37-48). The priority order dictates that those frames which should be displayed first are rendered first. (Col. 1, lines 49-57). Once the frames have been rendered, they can be displayed to a user, so those frames which the user will see first should be rendered first. The means may also

include a user-operable sequence selection means for selecting a subset of the input to be rendered, so that only the selected frames are rendered (Col. 2, lines 8-14).

According to Gould, individual special effects can be applied to frames of a video. The operating software is organized such that each individual special effect is represented as a proxy effect (Col. 4, lines 19-27). Each proxy effect is associated with a cache for storing the effect's output so that the output may be used again. The proxy effects are specific to each individual special effect, and as can be seen in Figure 3, each proxy effect is established and maintained as long as a specific special effect is active.

B.   GROUP I

1.   OVERVIEW OF CLAIMED ELEMENTS

Claim 1 includes a limitation of creating a proxy of a revised presentation and displaying the proxy during the adding of an edit feature. According to the specification, a proxy is a simulation of the modifications that indicate how the modified presentation will appear once rendered. The proxy is shown as a substitute for the rendered presentation.

2.   THE PRIOR ART REFERENCE DOES NOT DISCLOSE THE CLAIMED LIMITATION OF CREATING A PROXY

Gould does not disclose the claimed limitation of creating a proxy of the revised presentation and displaying the proxy during the adding. Accordingly, withdrawal of the rejection is respectfully requested.

As mentioned above, Gould describes a rendering system where images are rendered according to a priority. Priority is first given to images currently being viewed

by a user, then to the first and last images of the output sequence, and finally to the remaining images (Col. 1, lines 37-48, see also Col. 6, lines 23-34). This is not a proxy. As noted above, a proxy is a simulation of the modifications that indicate how a modified presentation will appear once rendered. Instead, Gould teaches that the *actual output* is being rendered, and to expedite the display of the output, frames which the user is likely to see first are rendered first. Gould teaches rendering a subset of a video sequence first, and displaying that portion to a user while the remainder is still rendering (Col. 1, lines 58-64). These frames are a portion of the output, rather than a proxy. Therefore, Gould cannot disclose creating a proxy and displaying the proxy.

Further, Gould teaches proxy effects associated with effects servers (Col. 4, lines 19-27). Each proxy effect is created for a specific special effect that can be applied to a rendered image. Claim 1 includes a limitation of creating a proxy of the revised presentation. The purpose of these proxies is to allow rendered output to be used more than once during the creation of a video (Col. 3, lines 21-26).

As taught by Gould, each plug-in, and therefore, each specific effect, can have only one proxy effect, no matter how many times that specific effect is used. Each proxy effect is associated with a specific effects server, and each effects server with a specific plug-in (Col. 4, lines 26-27 and 40-44). The proxy effects apply a plug-in and create a cached copy of the output, so that the effects may be used again if the exact same output is needed. Further, the proxy effects help the plug-ins to operate, so that certain portions of software may be created in the proxy effect rather than the plug-in (Col. 10, lines 5-14). Therefore, the proxy effects as taught by Gould assist the effects processing of the software to reduce the amount of necessary processing, rather than the proxy as taught by

claim 1, which is created in response to a user command and displayed during the adding of an edit feature.

In addition, the proxy effects as taught by Gould are contained in the core processor in the core portion of the architecture (See Figs. 3-5, Col. 4, lines 19-27 and lines 34-44). The objects in the core portion of the architecture are loaded into memory regardless of which special effects the user wants to implement (Col. 4, lines 37-39). The claims include a limitation of adding an edit feature to the presentation, where a proxy is created *during the adding*. Since the proxy effect as taught by Gould is part of the core architecture, it must be loaded when the program is started, and there are a limited number of proxy effects. Also, the proxy effect is located in the core processing section of the architecture, and is not directly linked with the viewer window (See Fig. 3). Therefore, it cannot be said that the proxy effect as taught by Gould is displayed, as in many of the pending claims.

Independent claims 8, 15, and 21 include limitations similar to those of claim 1. As a result, for the same reasons as discussed above with respect to claim 1, claims 8, 15, and 21 are also not anticipated by Gould. Claims 2, 7, 9, 14, 16, 20, 22 and 26 depend from the above discussed independent claims, and therefore include all the limitations of those independent claims. As a result, claims 2, 7, 9, 14, 16, 20, 22 and 26 are also not anticipated by Gould.

C.   GROUP II

1.   OVERVIEW OF CLAIMED ELEMENTS

Claim 3 includes a limitation of wherein creating the proxy is by drawing an imitation of the edit feature. Claim 3 depends from Claim 1, and therefore includes all

the limitations of claim 1. An imitation may, for example, be a simulation of the character, size, and or font of the edit feature being rendered by the system where the edit feature is text (See Specification, Page 5, lines 18-20).

2. THE PRIOR ART REFERENCE DOES NOT DISCLOSE THE CLAIMED LIMITATION OF CREATING A PROXY BY DRAWING AN IMITATION OF AN EDIT FEATURE

The prior art reference does not disclose the claimed limitation of wherein creating the proxy is by drawing an imitation of the edit feature. An imitation of the edit feature is not the actual edit feature itself, but rather a substituted representation that can be played while the actual edit feature is being rendered. As was previously discussed, Gould teaches where the output of a rendering system is prioritized, so that certain frames are rendered and displayed first. Thus, the actual rendering is displayed, rather than an imitation. The actual *output* of a rendering cannot be said to be an imitation, and as a result Gould does not anticipate claim 3.

Gould teaches where an effect icon is formed (Col. 7 line 56 – Col. 8 line 5). The effect icon is displayed on a display screen and may be manipulated by a user (Col. 7, lines 22-25). However, the effect is only shown in icon form, and cannot be said to be a proxy or an imitation of a presentation. The icon shows only a small portion of a single effect, at reduced size. As a result, Gould does not anticipate claim 3.

Claims 10, 17, and 23 include a limitation similar to that of claim 3. As a result, for the same reasons as mentioned above, claims 10, 17, and 23 are not anticipated by Gould. Claims 4, 11, 18-20, and 24 depend from the above mentioned claims, and

therefore include the limitations of these claims. Since claims 3, 10, 17, and 23 are not

anticipated by <u>Gould</u>, claims 4, 11, 18-20, and 24 are also not anticipated by <u>Gould</u>.

D. GROUP III

1. OVERVIEW OF CLAIMED ELEMENTS

Claim 5 adds a limitation of wherein a first software component has instructions

for adding the edit feature and the first software component is separate from a second

software component that has instructions for creating the proxy.

2. THE PRIOR ART REFERENCE DOES NOT DISCLOSE THE CLAIMED LIMITATION OF A FIRST SOFTWARE COMPONENT SEPARATE FROM A SECOND SOFTWARE COMPONENT
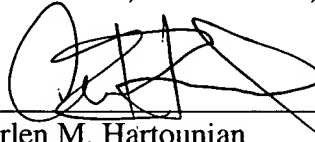
The prior art reference does not disclose the claimed limitation of a first software

component separate from a second software component. <u>Gould</u> teaches where plug-ins

are implemented as DLLs (Col. 8, lines 64-65), and where the core framework of the

software communicates with the plug-ins via COM interfaces (Col. 3, lines 66-67). The

plug-ins are used to implement the special effects. Therefore, the plug-ins taught by

<u>Gould</u> create the effects. Since <u>Gould</u> only displays a portion of actual rendered output

where the remainder of the video is rendering (see above), the rendered output is all

created by the same source (the plug-ins). As a result, it cannot be said that <u>Gould</u>

teaches a first software component to add and edit feature and a second software element

to create a proxy.

Claims 5, 12, and 25 include limitations similar to those of claim 5, and for the same reasons as mentioned above are also not anticipated by <u>Gould</u>. Claims 6 and 13 depended from the above discussed claims and therefore include the limitations of those claims. As a result, claims 6 and 13 are also not anticipated by Gould.

IX. CONCLUSION

Respectfully, the Appellant submits that presently pending claims are in condition

for allowance. For the reasons presented herein, the removal of the present rejections and

allowance of the present claims is respectfully requested.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: November 24, 2003

Arlen M. Hartounian
Reg. No. 52,997
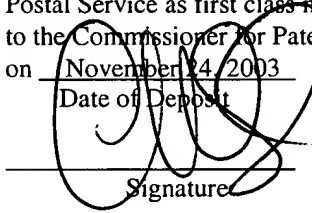
12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025
(408) 720-8300

FIRST CLASS CERTIFICATE OF MAILING

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to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450
on __November 24, 2003__

Date of Deposit

Carla Vignola
Name of Person Mailing Correspondence

__November 24, 2003__

Signature

Date

X. APPENDIX A

The claims on appeal including the amendment of May 20, 2003 read as follows:

1.   (Original) A method for manipulating a presentation of a time based stream of information in a processing system, the method comprising:

   A)   adding an edit feature to the presentation to create a revised presentation in response to a user edit command, and

   B)   creating a proxy of the revised presentation and displaying the proxy during the adding.

2.   (Original) The method of claim 1, further including displaying units of the presentation in response to the user edit command and sending instructions for creating the proxy when a unit requiring modification is reached.

3.   (Original) The method of claim 1, wherein the creating of the proxy is by drawing an imitation of the edit feature.

4.   (Original) The method of claim 3, wherein the edit feature is text and the imitation includes simulated character, size and font.

5.   (Original) The method of claim 1, wherein a first software component has instructions for adding the edit feature and the first software component is separate from a second software component that has instructions for creating the proxy.

6. (Original) The method of claim 5, wherein the second software unit is a plug-in or ActiveX control.

7. (Original) The method of claim 1, wherein the displaying of the proxy is at a rate that is substantially less than the play rate of the time-based stream of information.

8. (Previously Presented) A digital processing system comprising:

    A) a capture port for acquiring a time-based stream of information;

    B) a storage;

    C) a display; and

    D) a processor for:

        (i) adding an edit feature to the presentation to create a revised presentation in response to a user edit command, and

        (ii) creating a proxy of the revised presentation and displaying the proxy during the adding.

9. (Original) The system of claim 8, wherein the processor is further for displaying units of the presentation in response to the user edit command and sending instructions for creating the proxy when a unit requiring modification is reached.

10. (Original) The system of claim 8, wherein the creating of the proxy is by drawing an imitation of the edit feature.

11.   (Original) The system of claim 10, wherein the edit feature is text and the imitation includes simulated character, size and font.

12.   (Original) The system of claim 8, further including a first software component having instructions for adding the edit feature and the first software component is separate from a second software component that has instructions for creating the proxy.

13.   (Original) The system of claim 12, wherein the second software unit is a plug-in or ActiveX control.

14.   (Original) The system of claim 8, wherein the displaying of the proxy is at a rate that is substantially less than the play rate of the time-based stream of information.

15.   (Previously Presented) A processing system for generating a presentation of a time-based stream of information comprising:

A)   means for adding an edit feature to the presentation to create a revised presentation in response to a user edit command;

B)   means for creating a proxy of the revised presentation during the adding; and

C)   means for displaying the proxy during the adding.

16.   (Original) The system of claim 15, wherein the means for displaying the proxy is further for displaying units of the presentation in response to the user edit command and sending instructions for creating the proxy when a unit requiring modification is reached.

17.   (Original) The system of claim 15, wherein the creating of the proxy is by drawing an imitation of the edit feature.

18.   (Original) The system of claim 17, wherein the edit feature is text and the imitation includes simulated character, size and font.

19.   (Original) The system of claim 17, wherein the means for creating a proxy is a plug-in or ActiveX control.

20.   (Original) The system of claim 15, wherein the displaying of the proxy is at a rate that is substantially less than the play rate of the time-based stream of information.

21.   (Original) A computer readable medium having stored therein a plurality of sequences of executable instructions, which, when executed by a processing system for collecting a time based stream of information and generating a presentation, cause the processor to:

    A)   add an edit feature to the presentation to create a revised presentation in response to a user edit command;

    B)   create a proxy of the revised presentation during the adding; and

    C)   display the proxy during the adding.

22.   (Original) The computer readable medium of claim 21, further including additional sequences of executable instructions, which, when executed by the

processor, cause the processor to display units of the presentation in response to the user edit command and send instructions for creating the proxy when a unit requiring modification is reached.

23.   (Original) The computer readable medium of claim 21, wherein the creating of the proxy is by drawing an imitation of the edit feature.

24.   (Original) The computer readable medium of claim 23, wherein the edit feature is text and the imitation includes simulated character, size and font.

25.   (Original) The computer readable medium of claim 21, wherein the instructions for adding the edit feature is in a first software component that is separate from a second software component that has instructions for creating the proxy.

26.   (Original) The computer readable medium of claim 21, wherein the displaying of the proxy is at a rate that is substantially less than the play rate of the time-based stream of information.

FEE TRANSMITTAL FOR FY 2004
(FY 2004 Begins 10/01/2003)

TOTAL AMOUNT OF PAYMENT ($) 330.00

Complete if Known:

Application No.	09/680,107
Filing Date	10/04/2000
First Named Inventor	Glenn Reid
Examiner Name	Jin Cheng Wang
Art Unit	2672
Attorney Docket No.	4860.P2476

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_____ Applicant claims small entity status. See 37 CFR 1.27.

METHOD OF PAYMENT (check all that apply)

__X__ Check _____ Credit Card _____ Money Order _____ Other _____ None

__X__ Deposit Account

Deposit Account Number : 02-2666

Deposit Account Name: _____

__X__ The Director is Authorized to do the following with respect to the above-identified Deposit Account:

_____ Charge fee(s) indicated below.

__X__ Credit any overpayments.

__X__ Charge any additional fees during the pendency of this application.

__X__ Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

_____ Charge fee(s) indicated below **except for the filing fee.**

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1001	770	2001	385	Utility application filing fee	_____
1002	340	2002	170	Design application filing fee	_____
1003	530	2003	265	Plant filing fee	_____
1004	770	2004	385	Reissue filing fee	_____
1005	160	2005	80	Provisional application filing fee	_____

SUBTOTAL (1) $ _____0_____

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims	Fee from below	Fee Paid
Total Claims _____	− 20** = _____	X _____	= _____
Independent Claims ____	− 3** = _____	X _____	= _____
Multiple Dependent			_____ = _____

**Or number previously paid, if greater; For Reissues, see below.

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) $ _____0_____

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FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity Fee Code	Fee ($)	Small Entity Fee Code	Fee ($)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	_____
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	_____
1053	130	1053	130	Non-English specification	_____
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	_____
1813	8,800	1813	8,800	Request for inter parties reexamination	_____
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	_____
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	_____
1251	110	2251	55	Extension for reply within first month	_____
1252	420	2252	210	Extension for reply within second month	_____
1253	950	2253	475	Extension for reply within third month	_____
1254	1,480	2254	740	Extension for reply within fourth month	_____
1255	2,010	2255	1,005	Extension for reply within fifth month	_____
1401	330	2401	165	Notice of Appeal	_____
1402	330	2402	165	Filing a brief in support of an appeal	330.00
1403	290	2403	145	Request for oral hearing	_____
1451	1,510	1451	1,510	Petition to institute a public use proceeding	_____
1452	110	2452	55	Petition to revive – unavoidable	_____
1453	1,330	2453	665	Petition to revive - unintentional	_____
1501	1,330	2501	665	Utility issue fee (or reissue)	_____
1502	480	2502	240	Design issue fee	_____
1503	640	2503	320	Plant issue fee	_____
1460	130	1460	130	Petitions to the Commissioner	_____
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	_____
1806	180	1806	180	Submission of Information Disclosure Stmt	_____
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	_____
1809	770	2809	385	For filing a submission after final rejection (see 37 CFR 1.129(a))	_____
1814	110	2814	55	Statutory Disclaimer	_____
1810	770	2810	385	For each additional invention to be examined (see 37 CFR 1.129(b))	_____
1801	770	2801	385	Request for Continued Examination (RCE)	_____
1802	900	1802	900	Request for expedited examination of a design application	_____
1504	300	1504	300	Publication fee for early, voluntary, or normal pub.	_____
1505	300	1505	300	Publication fee for republication	_____
1803	130	1803	130	Request for voluntary publication or republication	_____
1808	130	1808	130	Processing fee under 37 CFR 1.17(i) (except provisionals)	_____
1454	1,330	1454	1,330	Acceptance of unintentionally delayed claim for priority	_____

Other fee (specify) _____ _____

Other fee (specify) _____ _____

SUBTOTAL (3) $ 330.00

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:

Typed or Printed Name: Arlen M. Hartounian

Signature: _____ Date: November 24, 2003

Reg. Number: 52,997   Telephone Number: (408) 720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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